

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

1:23-CV- 642



ARTHUR O. ARMSTRONG,

vs.

NORTH CAROLINA, et al


-) PLAINTIFF'S PETITION FOR LEAVE TO FILE
-) COMPLAINT, WITH SUPPORTING AFFIDAVIT
-) AND DOCUMENTATION, IN SUPPORT AND IN
-) OPPOSITION TO MAGISTRATE'S RECOMMENDAT-
-) ION TO DISMISS, ON GROUNDS THAT THERE IS
-) NO GENUINE DISPUTE AS TO ANY MATERIAL
-) FACT AND PLAINTIFF IS ENTITLED TO JUDGMENT
-) IN HIS FAVOR AS A MATTER OF LAW.

COMES NOW. Arthur O. Armstrong, the plaintiff named in this action and moves this Honorable Court, with supporting affidavit and documentation in support and in opposition to magistrate's judge recommendation to dismiss for leave to file petition, on grounds that (1) it can survive a challenge under Federal Rules of Civil Procedure 12; (2) it is not barred by principles of claim or issue preclusion (3) not repetitive or violative of a court order and (4) is in compliance of the Federal Rules of Civil Procedure 11.

WHEREFORE plaintiff prays that leave to file complaint and in opposition to magistrate's recommendation dismiss, pursuant to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 30th day of July, 2023.

July 30, 2023



Arthur O. Armstrong, Plaintiff